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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,035	04/03/2001	Nobuyuki Tanaka	WN-2316	8744
21254 7590 10/09/2007 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER VAN HANDEL, MICHAEL P	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/824,035

Applicant(s)

TANAKA, NOBUYUKI

Examiner

Michael Van Handel

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Miscellaneous

1. Please note that the examiner of record has changed.

Response to Amendment

1. This action is responsive to an Amendment filed 7/05/2007. Claims **1-10, 12, 14-23** are pending. Claims **1, 7, 12, 14-17, 21-23** are amended. Claims **11, 13, 24, 25** are canceled. The examiner hereby withdraws the objection to claim **1** and the rejection of claims **15-17** in light of the amendment.

Response to Arguments

1. Applicant's arguments regarding claims **1, 12, 14-17**, and **22**, filed 7/05/2007, have been considered, but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims **7, 8** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

Art Unit: 2623

art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claim 7, the examiner fails to find support for a second decrypting module in Applicant's specification within the context of the claim. Although the specification describes a decrypting module in each of the reproducing device and the back up reproducing device as shown in Figures 5 and 6, the specification fails to describe two decrypting modules in each. It is further noted that the specification describes the decrypting modules as decrypting content, not as separately decrypting video content and audio content. The examiner acknowledges that Applicant's specification discloses two encrypting modules in a reproducing device (Fig. 10); however, the examiner fails to find support for two decrypting modules.

Referring to claim 8, the examiner fails to find support in Applicant's specification for a video signal output device and an audio signal output device that each output data to the audio-visual switching device, yet output the video signals to the projecting device other than through the audio-visual input switching device when the audio-visual switching device receives an audio signal and output the audio signals to the audio processor other than through the audio-visual switching device when the audio-visual switching device receives a video signal. Specifically, the examiner fails to find support in Applicant's specification for outputting video signals and audio signals both to and other than through the audio-visual switching device as is required by claim 8's dependency on claim 7. Furthermore, the examiner acknowledges that Fig. 10 describes audio and video being separately supplied; however, the examiner notes that this is in a different embodiment than that shown in the AV switching embodiments. Although Applicant's specification states that the reproducing device can output the corresponding signals to the AV

Art Unit: 2623

switching device in the same way as shown in Figs. 5 and 6, this implies that, as similarly shown in Figs. 5 and 6, both the video and audio signals will be output through the switching device and that the only difference in this scenario would be a lack of the AV separating module.

Applicant's specification describes the AV switching device as selecting between the reproducing device and the backup reproducing device, not between the video signal and the audio signal.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9, 10, 12, 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morley et al. in view of Morley et al. in view of Takamori and further in view of Duso et al.

Referring to claims 1, 2, 5, 9, 12, 14-18, 22, and 23, Morley et al. (WO 99/59335) discloses a digital content reproducing/projecting system/method/recording medium/program/program product comprising:

- a movie company terminal 108 which stores and manages a digital content of movies (p. 18, l. 9-32; p. 19, l. 1-23; & Figs. 2A, 3);
- a content delivery terminal in communication with the movie company terminal via a network (p. 25, l. 23-30 & Figs. 2A, 5); and

Art Unit: 2623

- a projecting system (theater system) which is connected to the content delivery terminal via the network, receives the digital content from the content delivery terminal via the network, and reproduces the digital content to show a movie (p. 11, l. 26-32; p. 12, l. 1-6; p. 31, l. 13-16; p. 44, l. 12-19; & Figs. 2B, 7), wherein the projecting system comprises a reproducing device 130A which supplies signals to reproduce the digital content (p. 16, l. 31-32; p. 17, l. 1-4; & Fig. 2B).

Morley et al. does not specifically disclose a backup reproducing device that decodes the digital content while the reproducing device periodically sends a first predetermined signal indicating progress of reproducing of the reproducing device, to the backup reproducing device, and starts processing the decoded digital content in synchronization with the first predetermined signal and supplying the signals to reproduce the movie in addition to the decoding process when the reproducing device stops sending the first predetermined signal. Takamori discloses a video switcher apparatus with a back-up system including a main block 1, a reserve block 3, and a switching portion 5. The main block 1 and reserve block 3 that have identical components, including video processor units that are each fed with video signals and audio signals (col. 2, l. 7-25 & Fig. 1). Self-diagnostic portions 9 supervise the operating status of the main and reserve blocks. If any of the self-diagnostic portions detects a failure, the output of the applicable self-diagnostic portion causes the switching portion 5 to switch from the failed block to the other block (col. 2, l. 26-49). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the decoder of Morley et al. to include a back-up system and a video switcher for switching between the decoder and the back-up system upon failure of

Art Unit: 2623

the decoder, such as that taught by Takamori in order to provide a second unit for backup purposes (Takamori col. 1, l. 11-14).

The combination of Morley et al. and Takamori does not specifically teach that the reproducing device periodically sends a first predetermined signal indicating progress of reproducing of the reproducing device, to the backup reproducing device, and starts processing the decoded digital content in synchronization with the first predetermined signal when the reproducing device stops sending the first predetermined signal. Duso et al. discloses a video server that has dual redundant controller servers 28, 29 and multiple stream servers 21 to permit recovery from controller server and stream server failures (col. 49, l. 2-5). Initially, one of the controller servers is designated as a master controller and the other is designated a slave. A three-second "heartbeat" signal is sent over both channels of the internal Ethernet 26 from the master controller server to the slave controller server. The heartbeat signal indicates whether or not the master controller server has any failure. The slave controller server assumes master status when it fails to receive the heartbeat signal from the master controller server within the three-second "heartbeat" interval (col. 49, l. 66, 67; col. 50, l. 1-13, 42-63; & Figs. 2, 39). Similarly, if a heartbeat is not received over the internal Ethernet from each of the stream servers within a certain time-out period, failover is performed transparently through network switching (col. 53, l. 39-46, 56-63). The examiner interprets a "heartbeat" signal to be a first predetermined signal indicating progress of reproducing of the reproducing device, to the backup reproducing device. Duso et al. further discloses backing up to the last known point in the stream known to have been transmitted before failure, and assigning a new stream server to stream the video data from that point (col. 54, l. 35-50). It would have been obvious to modify

Art Unit: 2623

the decoder and backup unit in the combination of Morley et al. and Takamori to include a periodic heartbeat signal that, when not received, indicates that the unit be switched and output resumed from the last point, such as that taught by Duso et al. in order to permit recovery from video stream failure with little or no disruption of client services (col. 49, l. 2-7).

Further referring to claims **14-17**, Morley et al. discloses:

- at the movie company terminal:
 - o requesting registration of a digital content of a movie with the content delivery company terminal and sending the digital content of the movie in response to a request to register from the content delivery company terminal (p. 29, l. 21-32; p. 30, l. 1-12; & Fig. 8);
- at the content delivery company terminal:
 - o sending a request to register the digital content of the movie to the movie company terminal in response to a request to register from the movie company terminal (p. 29, l. 21-32; p. 30, l. 1-12; & Fig. 8);
 - o receiving the digital content of the movie from the movie company terminal (p. 13, l. 31-32 & p. 14, l. 1); and
 - o sending the digital content of the movie to a movie theater terminal that includes the reproducing device and the backup reproducing device (p. 14, l. 1-4).

Referring to claim **3**, the combination of Morley et al., Takamori, and Duso et al. teaches the digital content reproducing system of claim 2, wherein the projecting system further comprises:

Art Unit: 2623

- a projecting device which receives the video signals from the audio-visual switching device and projects them on a screen (Morley et al. Fig. 11); and
- an audio processor which receives the audio signals from the audio-visual switching device and outputs them to a loudspeaker (Morley et al. Fig. 11).

Referring to claims 4, 7, and 21, the combination of Morley et al., Takamori, and Duso et al. teaches the digital content reproducing system of claim 3, wherein the reproducing device and the backup reproducing device comprise the same elements (as taught by Takamori above) and each of the devices comprises:

- an encrypting/decrypting module 300 which is connected to the mass memory unit and encrypts the digital content received from the mass memory unit (Morley et al. Fig. 11);
- an audio-visual separating module 292 which receives the digital content from the encrypting module and separates them into the video signals and the audio signals (Morley et al. Fig. 11);
- a video decoder 296 which receives the video signals from the audio-visual separating module and decodes them (Morley et al. Fig. 11);
- a video signal output device 296 which receives the decoded video signals from the video decoder and outputs them to the audio-visual input switching device (Morley et al. Fig. 11);
- an audio decoder 298 which receives the audio signals from the audio-visual separating module and decodes them (Morley et al. Fig. 11); and

Art Unit: 2623

- an audio signal output device 298 which receives the decoded audio signals from the audio decoder and outputs them to the audio-visual input switching device (Morley et al. Fig. 11).

Further referring to claim 7, Morley et al. discloses that the digital is individually supplied in the form of video data and audio data (Morley et al. p. 14, l. 5-19).

Referring to claims 6, 10, 19, and 20, the combination of Morley et al., Takamori, and Duso et al. teaches the digital content reproducing system of claims 5 and 9, respectively. The combination of Morley et al., Takamori, and Duso et al. does not specifically disclose that the backup reproducing device sends a second predetermined signal, to instruct the reproducing device to stop, after the backup reproducing device starts the sending process; however, Duso et al. further discloses that, when the slave controller discovers an error in the master controller that requires it to become the master controller, it first assumes the context of the master controller and then sets its M/S flag to assume the master status and clears the M/S flag in the failed master controller. This ensures that write access by the master controller server will cease within a certain time after the slave controller becomes the master (col. 50, l. 55-67 & col. 51, l. 1-30). The examiner interprets changing the master to slave status, such that the failed device ceases to have write access as instructing a reproducing device to stop. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the backup unit in the combination of Morley et al., Takamori, and Duso et al. to include picking up where the failed device left off and stopping write access of the failed device, such as that taught by Duso et al. in order to synchronize the devices and ensure that the failed device ceases to operate (Duso et al. col. 51, l. 23-29).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

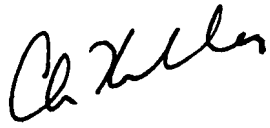
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600